



750 BERINO DRIVE
HOUSTON, TX 77057-2198
PHONE 713.787.1400
FAX 713.787.1440
A LAWYER LAW FIRM

II. ARGUMENTS

DOUBLE PATENTING REJECTION

Claims 1, 3-4, 6, 12, 14-15, and 25 have been under the judicially created doctrine of double patenting, in view of copending application No. 09/962,750. Applicants respectfully traverse this rejection and ask the Examiner to withdraw the rejection. The differences between the '750 application and the instant application are many, but most distinctive is that in the '750 application, a stiff PVB sheet is used with PET in a laminate composite structure, improves the overall intrusion resistance of the glass laminate. From this, the Examiner states the present invention is obvious in view of the pending claims in the '750 application. However, the present invention utilizes two separate, bonded PET layers to accomplish the improved intrusion resistance. Using two PET layers, as in the present invention, is not an obvious modification of the claims of the '750 application, and therefore the Examiner's rejection is without foundation. Applicants therefore respectfully request that the Examiner withdraw the double patenting rejection.

REJECTION UNDER 35 U.S.C. § 103(A):

Claims 1-6, 9-10, 12, and 14-25 have been rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 5,091,258 to Moran. Applicants respectfully traverse this rejection and ask the Examiner to withdraw the rejection in view of the following arguments:

Moran '258 discloses an improvement for solving the applesauce phenomenon in laminates having an interlayer construction including a thin PET layer bearing an IR reflecting coating, with a PVB layer opposite the IR reflecting stack. There are several points of distinction between the present invention and the teachings of Moran. First, the PET layer used in Moran typically is much thinner (about 2 mils) than that proposed in the present invention (> 4 mils); however. Furthermore, the maximum flexural modulus of the preferred glass laminate structure of the present invention is much higher than the preferred glass laminate structure of Moran.

Finally, and most importantly, because Moran is primarily directed for use in an automobile windshield, one would not incorporate a stiff PVB layer—as is now claimed in the present application—into Moran. Such a stiffened laminate structure would have failed the

HOWREY SIMON ARNOLD & WHITE, LLP



Serial No.: 09/737,234

12598.0128.NPUS00

Page 2

passenger safety head impact test that regulates the stiffness of windshields. Accordingly, Moran states that the tensile modulus of the plasticized PVB of the type used in safety glazing be about 1.0×10^7 Pa, as opposed to the tensile modulus 1.0×10^{10} of the PET used in the Moran invention (Moran, col. 4, ll. 53-57). The tensile modulus of the stiff PVB as is claimed in the present application typically would be about 2.0×10^7 . Accordingly, the claims have been amended to reflect the presence of the stiff PVB layer in the present invention, but limiting the claims to a tensile modulus greater than 1.0×10^7 Pa.

Given the above, Applicants respectfully request that the rejection of claims 1-6, 9-10, 12, and 14-25 under 35 U.S.C. §103(a) be reconsidered and withdrawn and that the Examiner indicate the allowance of those claims and all dependent claims in the next paper from the Office.

Applicants hereby request any extension of time that may be deemed necessary to further the prosecution of this application. Applicants' representative hereby authorizes the Commissioner charge the extension of time fees to Deposit Account No. 01-2508/12598.0128.NPUS00.

Applicants' representative further authorizes the Commissioner to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 01-2508/12598.0128.NPUS00.

In order to facilitate the resolution of any issues or questions presented by this paper, Applicants respectfully request that the Examiner directly contact the undersigned by phone to further the discussion, reconsideration and allowance of the claims.

HOWREY SIMON ARNOLD & WHITE, LLP

Serial No.: 09/737,234
12598.0128.NPUS00
Page 3

Respectfully submitted,



Matthew F. Steinheider
Attorney for Applicants
Reg. No. 47,968
Telephone: (713) 787-1516
Date: 3/19/04